

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
STEFANY MILEY, DISTRICT JUDGE,
Respondents,

and

AMERICAN BROADCASTING
COMPANIES, INC.; THE ASSOCIATED
PRESS; CABLE NEWS NETWORK,
INC.; CHESAPEAKE MEDIA I, LLC,
D/B/A KSNV-TV; LOS ANGELES
TIMES COMMUNICATIONS, LLC; THE
NEW YORK TIMES COMPANY;
SCRIPPS BROADCASTING HOLDINGS
LLC, D/B/A KTNV-TV; WP COMPANY
LLC, D/B/A THE WASHINGTON POST;
AND LAS VEGAS REVIEW-JOURNAL,
Real Parties in Interest.

No. 76023

FILED

JUN 22 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION TO STRIKE

Petitioner has moved to strike real party in interest Las Vegas Review-Journal's response to the writ petition and appendix, asserting that the response and appendix contain references to, and copies of documents concerning, matters that were not before the district court when it made the challenged decision and that real party in interest served the response 36 minutes after the 4:00 p.m. deadline. Petitioner cites primarily to cases recognizing that, when deciding an appeal, we generally may not consider matters outside the district court record. *See, e.g., Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981). This

matter, however, is a writ petition addressed to our original jurisdiction, and our review is thus not limited by the considerations applicable to appeals. See NRAP 21(a)(4) (providing that a petitioner's appendix to a writ petition may contain "any other original document that may be essential to understand the matters set forth in the petition"). Nevertheless, when reviewing a district court order challenged in a writ petition, we will typically consider only what was available to the district court when rendering its decision. See *Wynn Resorts, Ltd. v. Eighth Judicial Dist. Court*, 133 Nev., Adv. Op. 52, 399 P.3d 334, 340 n.3 (Nev. 2017). Accordingly, while parties may raise matters outside of the district court record when addressing this court's original jurisdiction and striking the response and appendix for so doing is not warranted, petitioner may argue that our consideration of such matters is inappropriate in its reply.

Further, the certificate of service for real party in interest's response indicates that the response was electronically served when filed with this court. The response was submitted for filing before the 4:00 p.m. deadline and filed the next morning. We conclude that the real party in interest complied with our order, such that striking the response is not appropriate based on real party in interest providing petitioner with a courtesy copy of the response at 4:36 p.m. on its due date. Accordingly, the motion to strike is denied.

It is so ORDERED.

 C.J.

cc: Hon. Stefany Miley, District Judge
Marquis Aurbach Coffing
McLetchie Shell LLC
Ballard Spahr LLP/Las Vegas
Eighth District Court Clerk